UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,093	06/08/2006	Josef Mamo	MAMO3001/REF	4766

23364 7590 07/23/2008

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER	
CHAKOUR, ISSAM	

ART UNIT	PAPER NUMBER
4163	

MAIL DATE	DELIVERY MODE
07/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,093	MAMO, JOSEF	
	Examiner	Art Unit	
	ISSAM CHAKOUR	4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *45-65* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *45-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/08/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The specification is objected to under 37 C.F.R 1.75 (d), for failing to provide proper antecedent basis for the claim 45 limitation "calculating the location of the predetermined geographical site". For the purposes of examination, the examiner is interpreting this limitation as "computing the

location on the screen or for display in an appropriate form e.g. star in a map, a picture within two dimensional diagram, etc... based on particular stored location or geographic site like latitude, longitude coordinates"

Claim Objections

3. Claims 49, 56, 57, 58, and 61 are objected to because of the following informalities: In claims 49 and 61, the word "message" is misspelled. Claims 56, 57, and 58 contain the misspelled word "teta". Claim 56, also contains the misspelled word "angle". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 45-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 45 and 55, the claimed method contains language such as "and/or" which does not specify if the limitation is directed to the north, sun, and moon or either one or rather a combination of the three. Note further that it is unclear how determining direction of the telephone to the sun, moon, *and* north

(all three) is possible or accomplished. The claim fails further to specify if the step is directed toward determining the direction or position. Therefore, the scope of the claims is not ascertainable. (Note: Claims 46-54 and 56-62 inherit the mentioned deficiency).

Claims 47-50, 52, 54, and 63 contain similar language and thus also suffer from the above mentioned deficiencies.

6. Claims 63-65 provide for a method of doing business, but since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 63-65 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd.* v. *Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 45, 48-55, 59, and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasebe et al (US 2003/0103002).

9. Regarding claim 45, Hasebe teaches a method for locating the direction between a user's site to a predetermined geographical site by means of a cellular telephone having means for determining its direction towards the north (also known as azimuth) or the sun or the moon for coordinating itself in the globe; said method comprising the following steps:

a. determining the direction or position of said telephone towards the north (azimuth) or the sun, or the moon (See paragraph [0008], lines 4-5);

b. calculating the location or position of the predetermined geographical site (See paragraph [0008], line 6 in accordance with [0031] last line);

c. calculating the direction of said site from the said determined location of said telephone (See paragraph [0008], lines 6-7); and,

d. presenting said calculated direction on the telephone's screen (See paragraph [0008], lines 7-8).

Regarding claim 48, Hasebe teaches the method in accordance with claim 45, wherein the cellular telephone is selected from cellular telephones, satellite

telephone, wireless telephone, beeper, palm pilot, MIRS, VPN and/or any personal computer having means for such a phone communication (See abstract and figure 3).

Regarding claim 49, Hasebe teaches the method in accordance with claim 45, wherein the step of presenting of the calculated direction is provided by presenting visually written or graphically drawn notes, signs, arrows, texts and/or hearing voice massages comprising direction instructions (See figure 3, 4 and abstract).

Regarding claim 50, Hasebe teaches the method in accordance with claim 49, wherein the presenting of the calculated direction is provided by means of a plurality of arrows or equal directing means, projected with or above relevant maps, photos or drawn layer (See paragraph [0048]).

Regarding claim 51, Hasebe teaches the method in accordance with claim 45, the method additionally comprising presenting indications characterizing the desired site (See paragraph [0049], lines 1-4).

Regarding claim 52, Hasebe teaches the method in accordance with claim 51, wherein the indications are selected from text, draws, animation, sounds, pictures or video referring the desired location or the way or the distance

between the user's site towards said desired location (See paragraph [0049], lines 2-5).

Regarding claim 53, Hasebe further teaches the cellular telephone in accordance with claim 51, comprising;

a. antenna (See figure 1, item 12a) adapted to receive communication signs from a plurality of communication transducers;

b. transmitter having means (See Figure 1, item 2 and 2a) to emit signs and thus to communicate with said transducers;

c. a microprocessor (See figure 1, item 1) suitable for processing said detect signs and to calculate the desired location;

d. a screen suitable for projecting (Figrue 1, item 9) said calculated location.

Regarding claim 54, Hasebe further teaches the cellular telephone according to claim 51, additionally comprising means for determining the self-direction and/or location of said telephone, select from a magnetic compass, a clinometer, sextant, sundial, theodolite, at least o gyro and/or a GPS (See abstract).

Regarding claim 55, Hasebe teaches a method for locating the direction between a user's site to a predetermined geographical site by means of a cellular telephone having means for displaying said direction towards the north (also known as azimuth) or the sun or the moon and said predetermined geographical site; said method comprising the following steps;

a. determining the coordination of the user cellular telephone on the globe (See paragraph [0008], lines 4-5);

b. calculating the location of the predetermined geographical site on the globe (See paragraph [0008], line 6 in accordance with [0031] last line);

c. calculating the direction of said site from the said determined location of said telephone (See paragraph [0008], lines 6-7); and

d. positioning said telephone towards the north and/or the sun or the moon by an auxiliary means (See paragraph [0011], lines 3-10); and,

e. presenting said calculated direction on the telephone's screen (See paragraph [0008], lines 7-8).

10. Regarding claim 59, Hasebe discloses the method according to claim 55, wherein the calculations are made by a means of a processor in communication with said cellular telephone, or by a means of a processor integrated in the cellular telephone (See figure 1, item 1).

11. Regarding claim 62, Hasebe discloses the method according to claim 55, wherein the auxiliary means are selected from integrated or non-integrated compass, GPS or any other means adapted to display the north or the magnetic north (See paragraph [0030]).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 46 and 47 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hasebe in view of Ghaem et al (US 5,146,231).

15. Regarding claim 46, Hasebe teaches the method in accordance with claim 45. Hasebe does not explicitly teach the method further comprising at least one of the following steps;

a. determining a first direction or position of the cellular telephone by means of receiving communication signs from a plurality of communication transducers and so calculating said first location of said telephone;

b. transferring said telephone for a predetermined distance in certain direction;

c. determining a second direction or position of the cellular telephone by means of receiving communication signs from a plurality of communication transducers and so calculating said second location of said telephone;

d. calculating the location of said desired site;

e. calculating the direction of said desired site from the said second determined location of said telephone; and,

f. presenting said calculated direction on the telephone's screen.

Note that the examiner interpreted the steps a, b, and c as determining the direction while the user is moving or tracking a target location. In Hasebe, the direction is found and displayed automatically without further instructing the user to transfer or move the cellular telephone to a second direction. A person with ordinary skills in the art would have been able to enable the method manually and prompt in the display particular instructions to the user to follow in order to receive the end direction.

Nevertheless, Ghaem inherently teaches the method wherein it further comprises at least one of the following steps;

a. determining a first direction or position of the cellular telephone by means of receiving communication signs from a plurality of communication transducers and so calculating said first location of said telephone;

b. transferring said telephone for a predetermined distance in certain direction;

c. determining a second direction or position of the cellular telephone by means of receiving communication signs from a plurality of communication transducers and so calculating said second location of said telephone;

d. calculating the location of said desired site;

e. calculating the direction of said desired site from the said second determined location of said telephone; and,

f. presenting said calculated direction on the telephone's screen (See abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the invention as presented by Hasebe to find direction to particular sites because the GPS equipped system which is already integrated in Hasebe's portable terminal allows the tracking or direction of the target location based on the latest calculation of the position, before updating the display of the present position.

Regarding claim 47, Hasebe in view of Ghaem teaches the method in accordance with claim 46, he further teaches the method wherein the communication transducers are selected from means for cellular communication network, selected from a plurality of communication satellites and or communication transceivers or transducers providing the cellular communication (See paragraph [0030], lines 8-12).

16. Claims 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe in view of Wakim (US 4,372,052).

Regarding claims 56 and 57, Hasebe teaches the method in accordance with claim 55, But Hasebe does not explicitly teach the method wherein the calculations are adapted to calculate a first coordinate; a second coordinate and

the angle theta between said two coordinates; wherein said first coordinate is between the user's current site and the calculated North pole, the sun, or the moon; wherein said second coordinate is between said user's current site and the predetermined geographical site, nor does he explicitly teach that the method comprises a step of presentation of said theta angle.
Wakim on the other hand teaches the method as such (See claim 1 and figure 1). Wakim teaches the method wherein a first coordinate is determined by adjusting the device so that magnetic cursor points to the north (equivalent to calculating the first coordinate), then adjusting the device so that the line cursor this time which indicates the predetermined geographical site is aligned with the location site where the device is being used (equivalent to calculating theta angle from the second coordinate which is adjusted upon finding the magnetic north).
It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the manual method into instructions calculating the variables involved for determining the direction to the sought geographic location, because of added functionality, easiness, and portability in cellular phones for whom this feature might interest.

17. Regarding claim 58, Hasebe in view Wakim teaches the method according to claim 56, Hasebe further teaches the method wherein a presentation or display comprising the calculated north or south or direction of the sun or the direction of the moon, the predetermined geographical site and said theta angle are obtained (theta angle is the angle between the azimuth and the location of

the site, see claim 1); Hasebe does not teach that the theta angle which is presented is in coordination to the sun or the moon. However, a person of ordinary skill in the art understands that another way of determining the north is through the orientation of the sun or moon with respect to local time and hemisphere location, in another word, depending on the location of the user and time of the year, sun's angle can be determined which would then based on the time of the day indicate the north from the south and east from west (because the sun rises from east and sets towards the west). It would have been obvious at the time of the invention to one of ordinary skill in the art to consider other methods by which to interpret the direction to north and thus to determine the direction to the geographical site as taught by the method of Hasebe's invention.

18. Claims 60 and 61 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hasebe in view of Ciechanowiecki et al (US 2003/0148776).

19. Regarding claims 60 and 61 Hasebe teaches the method in accordance with claim 55, However Hasebe does not teach explicitly that the method comprising the step of sending presentation selected from an illustration, animation, or an SMS from a remote site to the user's cellular telephone; said presentation, comprising indication of calculated north and the desired predetermined geographical site. Hasebe neither teaches the indication of the desired predetermined geographical site is provided by either a delivering SMS message, drawing arrows, indicating the calculated theta degree, displaying a text or any combination therof. Ciechanowiecki on the other hand teaches the

step of sending a presentation selected from an illustration, animation, or an SMS from a remote site to the user's cellular telephone; said presentation, comprising indication of calculated north and the desired predetermined geographical site (See abstract, paragraph [0013], and paragraph [0034]). He further teaches teaches the indication of the desired predetermined geographical site is provided by either a delivering SMS message, drawing arrows, indicating the calculated theta degree, displaying a text or any combination therof (See paragraph [0036]).

It would have been obvious to one of ordinary skill in the art to combine these features taught in Ciechanowiechi with the invention of Hasebe because it will allow Hasebe to alternatively display the result of direction computation performed at remote location such as a server of a service provider by sending an SMS upon the request of direction finding.

20. Claims 63-65 rejected under 35 U.S.C. 103(a) as being unpatentable over Ciechanowiecki in view of Watanabe et al (US 2003/0220842) .

21. Regarding claim 63, Ciechanowiecki discloses a method for locating and means for providing the direction between a user's site to a predetermined geographical site by means of a cellular telephone (See Abstract) to an advertiser (e.g. target location, a landmark, or a store). Ciechanowiecki does not explicitly teach the business method, however he discloses providing the service of direction by a service provider (See paragraph [0013]) which inherently employ the business method for registering a user, storing transactions, selling, tenanting services. However Ciechanowiecki does not disclose that said advertiser's

predetermined location is essentially listed in the menu of the cellular telephone, in the manner users are being exposed to both said advertisers ability to sale its products and/or services; and/or to said advertiser's nearest sites.

22. Watanabe on the other hand teaches a business method based ordering system wherein advertiser's predetermined location is essentially listed in the menu of the cellular telephone, in the manner users are being exposed to both said advertisers ability to sale its products and/or services; and/or to said advertiser's nearest sites (see figure 8, 9, and paragraph [0040]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create out of the claimed method a business method for charging, selling, or tenanting the service of direction finding of predetermined sites by creating a menu that advertise the possibility of buying particular product of advertisers (e.g. Geo-locating company providing direction services of predetermined site anytime, anywhere), because it will ensure the availability of such feature and related ones for portable user for a fee.

23. Regarding claim 64, Ciechanowiecki in view of Watanabe teaches the method according to claim 63, Watanabe further teaches the business method comprising the step of enlisting at least one advertiser's predetermined parameters, selected from its location or at least one other commercial properties (e.g. type of business) in the menu of the cellular telephone (See figure 7and 9).

It would have been obvious to one of ordinary skill in the art to employ similar steps as the techniques for implementing these steps were recognized as part of the ordinary capabilities of one skilled in the art, because implementing these

steps would only require writing a GUI program and deploying a billing database system to list the different available services of the advertisers based on their location, type of business, and other parameters.

24. Regarding claim 65, Ciechanowiecki in view of Watanabe teaches the method according to claim 63, Ciechanowiecki further discloses the method comprising the step of displaying or playing at least one advertisement selected from the advertiser's trademarks, logos, music or sounds to be connected by the user with said advertiser; to its products and/or services and/or to said advertiser's nearest sites (See paragraph [0014], [0016], and [0020]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cheon (US 2004/0254718) teaches an apparatus for displaying the direction to geographical site with several options for inputting the location and displaying the directions to said location. Choi et al (US 2005/004752) also discloses a method for finding a direction to a specific location such as Mecca by means of geo-magnetic sensors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISSAM CHAKOUR whose telephone number

is (571)270-5889. The examiner can normally be reached on Monday-Thursday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on 5712722319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IC

/Mark A. Robinson/
Supervisory Patent Examiner,
Art Unit 4163